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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,758	06/30/1999	DIMITRI KANEVSKY	Y09-99-183	8306

33233 7590 10/20/2003

LAW OFFICE OF CHARLES W. PETERSON, JR.  
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EXAMINER
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VU, KIEU D

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/343,758

Applicant(s)

KANEVSKY ET AL.

Examiner

Kieu D Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-21, 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 26-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5, 13, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said substituted corresponding generic objects" in line 9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-5, 7-21, and 23-25 is rejected under 35 U.S.C. 102(a) as being anticipated by James ("James", Netscape Navigator 3.0).

Regarding claims 1, 14, 19, 24, and 25, James teaches a method of transferring data across a computer network which comprise setting data transfer constraints (Auto Load Images, Figure 8-15), requesting transfer of data (including image and sound data (page 357) stored on a remote computer system (inherent, page 360); storing a plurality of generic objects (placeholders), each stored generic object corresponding to an original object in data requested (placeholder for each image), identifying at least one

object (image) included in said requested data as being associated with a generic object (placeholder, Fig. 8-16) and substituting a corresponding said generic object for each of said at least one object, said substituted corresponding generic objects being transferred with said data before associated objects (page 361, line 3), outputting said requested data including said generic objects (Fig. 8-16) or corresponding original objects (page 361, Fig. 8-16)

Regarding claim 17, James teaches a method of compressing digital images, comprising the steps of identifying name, position, and characteristics of objects in a digital image and identifying names of identified objects (download a picture, page 352), substituting identified objects for generic objects (document templates), position data and characteristics to form a modified digital image (replace images with placeholders, Fig. 8-16) and displaying the modified image (page 359, last paragraph).

Regarding claim 18, James teaches a method for restoring a compressed image comprising the identifying generic objects (placeholder icons) in received image data; identifying corresponding objects (image) in subsequently received data (Fig. 8-16, page 359, last paragraph); substituting said identified generic objects in said received image data for said corresponding objects to form an uncompressed image and displaying said uncompressed image (page 361, line 3).

Regarding claim 2, James teaches said stored data includes image and sound data (page 337).

Regarding claim 3, James teaches the displaying compressed web browser image (page 360).

Regarding claim 4, James teaches that the remote computer system identifies generic objects (inherent).

Regarding claims 5, 13, and 21, James teaches that while the web browser image is being displayed, the remote computer system is transferring generic object codes associated with related images (page 359, last paragraph).

Regarding claim 15, James teaches that the outputting means is a video display (page 337).

Regarding claim 16, James teaches that the interface device is a speaker (page 337).

Regarding claim 20, James teaches a database with a plurality of generic objects (placeholder).

Regarding claims 7 and 23, James teaches the transferring requested object while a corresponding generic object is being displayed and when said requested object is received, replacing and displaying each corresponding generic object with each said requested object (page 359-361).

Regarding claims 8-12, James teaches specific types of constraints (page 359-361).

***Allowable Subject Matter***

5. Claims 27-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The examiner has carefully considered claims 26-32. None of the prior art of record fairly teaches or suggests the limitation "each said at least one object is a species object of its associated said generic object" in a specific combination as cited in claims 26-32.

8. Applicant's arguments filed 09/12/03 have been fully considered but they are not persuasive.

Applicant's argues "the application describes in a way that make.....as data being transferred". It should be noted that these features are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, it is clear that the placeholder in James teaching reads on "generic object" of the claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon – Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

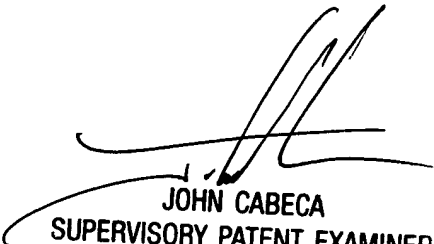
and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

10/16/03



JOHN CABECA  
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